

## **CHAPTER 10**

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**PART 1**

**WEEDS AND GRASS**

**§10-101. Weeds and Grass to be Destroyed or Cut.**

From and after the adoption of this Part it shall be unlawful for any person, firm, association or corporation owning or occupying any land or lot within the limits of this Borough to permit or allow any obnoxious weeds or tall grass to grow upon such land or lot, or upon the sidewalk, or in the gutter, or between the roadbed and the curb along his, her or its premises. Such owner or occupant shall cause the same to be destroyed or cut by the first day of July and the first day of September of each and every year, and at any other time when necessary, upon complaint of two or more citizens and/or notice as provided in §10-102 of this Part. Provided, the property owner shall be subject to the provisions of this §10-101 in the case of vacant property or property occupied by him, her or it; the occupant in the case of property occupied by other than the owner of the property.

*(Ord. 11/6/1905, §1; as amended by Ord. 66, 3/18/1954, §1)*

**§10-102. Penalties.**

Any person who shall violate any provision of this Part, after 10 days notice to comply with the same, given by the Street Committee of the Council, shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 11/6/1905, §2; as amended by Ord. 66, 3/18/1954, §2; and by Ord. 223, 1/7/2002)*



**PART 2**

**STORAGE OF MOTOR VEHICLES**

**§10-201. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**LESSEE** - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

**MOTOR VEHICLE** - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

**NUISANCE** - any condition, structure, or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Borough of Hulmeville.

**OWNER** - the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

**PERSON** - a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

*(Ord. 112, 2/5/1968; as revised by Ord. 223, 1/7/2002)*

**§10-202. Motor Vehicle Nuisances Prohibited.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.

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- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken headlamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards including trunk and firewall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

*(Ord. 112, 2/5/1958; as revised by Ord. 223, 1/7/2002)*

### **§10-203. Storage of Motor Vehicle Nuisances Permitted.**

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §10-202 above may store such vehicle(s) in the Borough only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided from time to time by resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least 6 feet high which is locked at all times when unattended. With the special approval of the Borough Council motor vehicle nuisances may also be stored outside

in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 400 square feet.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(*Ord. 112, 2/5/1968; as revised by Ord. 223, 1/7/2002*)

**§10-204. Inspection; Notice to Comply.**

1. The Police and/or Code Enforcement Officer is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(*Ord. 112, 2/5/1968; as revised by Ord. 223, 1/7/2002*)

**§10-205. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough Council in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(*Ord. 112, 2/5/1968; as revised by Ord. 223, 1/7/2002*)

**§10-206. Hearing.**

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1. Any person aggrieved by the decision of the Police and/or Code Enforcement Officer may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the Police and/or Code Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Police and/or Code Enforcement Officer.

(*Ord. 112, 2/5/1968; as revised by Ord. 223, 1/7/2002*)

### **§10-207. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 112, 2/5/1968; as revised by Ord. 223, 1/7/2002*)

### **§10-208. Remedies not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(*Ord. 112, 2/5/1968; as revised by Ord. 223, 1/7/2002*)